

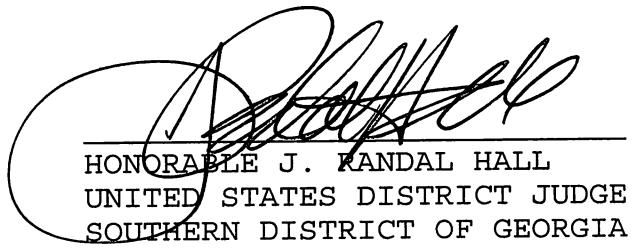
THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

CHARLIE M. GASTON, \*  
\*  
Petitioner, \*  
\*  
\* v. \* CV 414-065  
\* (Formerly CR 412-160)  
\*  
UNITED STATES OF AMERICA, \*  
\*  
\* Respondent. \*

\_\_\_\_\_  
O R D E R  
\_\_\_\_\_

On May 19, 2016, the United States Magistrate Judge issued a Report and Recommendation wherein he recommended the denial of Petitioner's motion brought pursuant to 28 U.S.C. § 2255. At the conclusion of the Report and Recommendation, the Magistrate Judge recommended that a certificate of appealability not be issued. On June 13, 2016, this Court adopted the Report and Recommendation in its entirety. Petitioner has filed a notice of appeal from the judgment in this case. He has also moved for the issuance of a certificate of appealability. Because the Court has already ruled on the matter, the motion (doc. 30) is **DENIED AS MOOT**. Consequently, Petitioner's motion to proceed *in forma pauperis* on appeal (doc. 31) is also **DENIED AS MOOT**.

ORDER ENTERED at Augusta, Georgia, this 25<sup>th</sup> day of August, 2016.

  
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HONORABLE J. KANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA